



Andorra

Country Reports on Human Rights Practices - [2002](#)

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The Principality of Andorra is a constitutional parliamentary democracy. Two Princes with joint authority, representing secular and religious authorities, have headed the Principality since 1278. Under the 1993 Constitution, the two Princes--the President of France and the Catholic Bishop of Seu d'Urgell--Spain serve equally as heads of state, and each is represented in Andorra by a delegate. In March 2001, elections were held to choose the 28 members of the "Consell General," (the Parliament) which selects the head of government. Domestic elections monitors considered the election to be free and fair. The judiciary is independent.

The country has no defense force and depends on neighboring Spain and France for external defense. The national police, under effective civilian control, had sole responsibility for internal security.

France and Spain influenced the country's market-based economy significantly. The country had a total population of approximately 66,900. Commerce and tourism were the main sources of income.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Violence against women increased, and there was some discrimination against women in the workplace. There were some limits on workers' rights. Some immigrant workers complained that they did not have the same labor rights and security as citizens in practice, despite legal protections. Andorra was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately, as were juveniles from adults. Pretrial detainees also were held separately from convicted criminals. The Government permits visits by independent human rights observers; however, no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these

prohibitions.

Police legally may detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The Government declined to modify the law to provide individuals under arrest immediate access to an attorney despite a request by the Council of Europe's Committee for the Prevention of Torture in 2000. Legislation provides for legal assistance beginning 25 hours after the time of arrest. There was a system of bail.

The country is party to a network of 47 States with prisoner transfer agreements, and qualifying prisoners were permitted to serve their sentences in their own country.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by the two Princes; the head of government; the President of the Parliament; and collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right in practice.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides citizens with safeguards against arbitrary interference with their "privacy, honor, and reputation," and government authorities generally respected these prohibitions in practice. Private dwellings are considered inviolable. No searches of private premises may be conducted without a judicially issued warrant. Violations were subject to effective legal sanction. The law also protects private communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

There were two independent daily newspapers, *Diari d'Andorra* and *El Periódico de Andorra*. There was one radio station and one television station, which broadcast 16 hours a day.

Internet access was unrestricted, and the Government did not monitor Internet activity.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, "in accordance with Andorran tradition." The Catholic Church received no direct subsidies from the Government.

The Government paid the salaries of teachers who taught optional Catholic religious classes to students in public schools; the Catholic Church provided the teachers for these classes.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The law does not specifically provide for first asylum; however, the issue of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There were three political parties: The Andorran Liberal Party (ALP), the Andorran Democrat Center Party (ADCP), and the Social Democratic Party (SDP).

Parliamentary elections were held in March 2001, and 81.6 percent of eligible voters took part. The election ran smoothly, and was considered to be free and fair by domestic monitors. The ALP, (the head of Government's Party), retained its absolute majority, winning 15 of the 28 seats in Parliament. The ADCP and the SDP won five and six seats respectively. A local group won two seats.

Of the 28-member Parliament, four were female, and three women held cabinet level positions. There were no formal barriers for women in government and politics, but relatively few women ran for office.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views. Approximately 10 human rights associations existed in the country. The most active was the Association of Immigrants in Andorra (AIA), which defended the rights of foreign residents, and the Association of Andorran Women (AAW), which actively supported women's rights (see Section 5). The Red Cross had a presence within the country.

An Ombudsman received and addressed complaints, some of which were against the Government's policies.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, sex, origin, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens.

Women

Observers maintained that violence against women persisted. The AIA and the AAW received more complaints of physical and psychological abuse against women than the 30 received in 2001, but fewer than the 60 complaints filed in 2000. Women suffering from domestic violence requested help from the AIA and the AAW, but very rarely filed a complaint with the police. The AIA and the AAW also reported that domestic violence existed at all levels of society. There is no specific legislation regarding violence against women, although other laws may be applied in such cases. Some complaints were reportedly filed with the police during the year.

The law prohibits discrimination against women privately or professionally; however, the AAW reported that in practice, there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers estimated that women earned 25 percent less than men for comparable work although this gap continued to decrease slowly.

The AAW actively promoted women's issues through information exchanges and limited direct support to those in need; the AAW collaborated with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. Despite demands from both the AAW and the AIA, the Government declined to create a department specifically for women's issues; however, in June 2001, the Government created a Secretariat of State for the Family.

Children

The Government was committed to children's welfare and provided a universal system of health care and education. The Secretariat of State for the Family was responsible for promoting children's welfare. Free, universal public education began at age four and was compulsory until age 16. The Government provided free nursery schools, although their number continued to fall short of what was needed.

There was no societal pattern of abuse of children.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, in education, and in the provision of other State services, and there were no reports that such discrimination occurred. Societal discrimination against persons with disabilities did exist on a small scale.

The law mandates access to new buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

National/Racial/Ethnic Minorities

Spanish nationals were the largest group of foreign residents, accounting for approximately 41 percent of the population. Other sizable foreign populations included Portuguese, French, and British. A small but growing group of immigrants, primarily from North Africa, worked mostly in agriculture and construction.

Some immigrant workers complained that they did not have the same labor rights as citizens (see Section 6.e.). In September a law was passed to give legal status to the approximately 7,000 immigrants working in the country with no work permits or residence permits. This law also makes allowances for annual quotas of legal immigrants.

Section 6 Worker Rights

a. The Right of Association

The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations without prejudice. In 2001 the Government approved a new registry of associations, and they were gradually registering with the Government. These include the Andorran Trade Unions' Association, a group that represented more than 10 unions of workers in government and the private sector.

In September 2001, a federation workers' association officially was formed with the aim of regularizing labor relations through dialogue. It was negotiating with the Government on the drafting of a law for the protection of workers in trade unions, and to develop a social security system and labor relations. At year's end, these negotiations remained ongoing.

Antiunion discrimination is not prohibited under the law, although there were no reports of such discrimination during the year.

b. The Right to Organize and Bargain Collectively

The Constitution states that both "workers and employers have the right to defend their own economic and social interests;" however, there was no law that specifically provides for collective bargaining. Parliament was charged with adopting legislation to regulate this right in order to guarantee the provision of essential services; however, it had not done so by year's end.

Neither the Constitution nor the law states explicitly that strikes are permitted, and there were no strikes. In spite of

government statements that it tolerates strikes, workers were reluctant to organize strikes because of the possibility of reprisal since no law prohibits it.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law does not prohibit forced and bonded labor, including by children, and there were no such reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

Children under the age of 18 generally were prohibited from working, although in exceptional circumstances, children aged 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor is responsible for enforcing child labor regulations.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The workweek was limited to 40 hours, although employers may require overtime from workers. The legal maximum for overtime hours was 66 hours per month, and 426 hours per year. An official minimum wage was set by government regulations, although other, higher wages may be established by contract. The minimum wage is \$4.66 (5 euros) per hour, and \$682 (805 euros) per month. The minimum wage only provided a bare subsistence standard of living for a worker and family. The Labor Inspection Office enforced the payment of the minimum wage.

Workers may be dismissed with 15 days' to 6 months' notice, depending on how long they have been working for a company. A minimal indemnification of 1 months' salary per year worked was paid if a worker was fired without cause. A dismissed worker received unemployment and health benefits for only 25 days. The Social Security Office controlled retirement benefits. The Labor Inspection Service heard labor complaints.

The Labor Inspection Service set occupational health and safety standards and took the necessary steps to see that they were enforced. During the year, the Labor Inspection Service filed approximately 200 complaints against companies for violating labor regulations, and it had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

Although the Constitution provides that legal foreign residents are to enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Many immigrant workers held only "temporary work authorizations," which were valid only as long as the job for which the permit was obtained existed. When job contracts expired, temporary workers had to leave the country. The Government prohibited the issuance of work permits unless workers could demonstrate that they had a fixed address and at least minimally satisfactory living conditions.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, although the law does provide punishment for traffickers of illegal workers. There were no reports that persons were trafficked to, from, or within the country.

The law prohibits trafficking in illegal workers (collusion in or provision of illegal entry for the purposes of employment), which is punishable by up to 3 years imprisonment. Rape and forcible sexual assault are punishable by up to 15 years imprisonment. In the absence of a specific law on trafficking, certain circumstances could lead to the application of the rape statute in a trafficking case.